

#33R
4-6-06

ORDINANCE NO.

1 **AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT**
2 **1305 WALLER STREET FROM CERTAIN INTERIM DEVELOPMENT**
3 **REGULATIONS PRESCRIBED BY ORDINANCE NO. 20060309-058 FOR**
4 **CONSTRUCTION OF A DUPLEX RESIDENCE.**

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6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

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8 **PART 1.** This ordinance applies to the construction of a 3,806.4 square foot duplex
9 residence located at 1305 Waller Street.

10 **PART 2.** Applicant has filed a waiver application requesting that Council waive Part
11 3(2) of Ordinance No. 20060309-058 which limits construction of a new single family
12 structure on a lot where a structure has been or will be demolished or relocated to the
13 greater of the following:

- 14 (A) 0.4 to 1 floor-to-area ratio;
- 15 (B) 2,500 square feet; or
- 16 (C) the existing size plus 1,000 square feet, if the applicant has been granted a
17 homestead exemption for the duplex.

18 **PART 3.** Council has considered the factors for granting a waiver from interim
19 development regulations prescribed by Ordinance No. 20060309-058. Council finds that
20 such a waiver is justified because:

- 21 (A) the development limitation imposes undue hardship on the applicant; and
- 22 (B) the development proposed by the applicant will not adversely affect the
23 public health, safety, and welfare.

24 **PART 4.** A waiver is granted from Part 3(2) of Ordinance 20060309-058 to allow the
25 construction of a 3,806.4 square foot duplex residence located at 1305 Waller Street.

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PART 5. A waiver is granted from Part 5(D)(2)(a) and (b) of Ordinance 20060309-058 to allow a minimum front yard setback not to exceed 7.8 feet and a maximum front yard setback not to exceed 15 feet for a duplex residence located at 1305 Waller Street.

PART 6. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk